

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

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COMMENTS OF CENTRAL MISSOURI STATE UNIVERSITY

Central Missouri State University ("CMSU"), by its attorneys, hereby submits its comments on the Sixth Further Notice of Proposed Rule Making, FCC 96-317 (released August 14, 1996), in this proceeding.

CMSU is a state-supported institution of higher learning located in Warrensburg, Missouri, approximately 50 miles east of Kansas City. CMSU has 11,500 students enrolled in four colleges: business and economics, education, arts and sciences, and applied sciences and technology. Bachelor's, master's and education specialist degrees are awarded. Through these comments, CMSU expresses its interest in the retention of vacant NTSC allocations to **Cape Girardeau (Channel 39), Columbia (Channel 23), Jefferson City (Channel 36), LaPlata (Channel 21) and Rolla (Channel 28), Missouri.** CMSU further advocates the addition to the DTV table of allotments comparable channels for each of these communities for noncommercial use. CMSU plans to file applications for up to four of the referenced NTSC channels, with appropriate waiver requests, and will make the necessary transition to DTV on the channels allotted to the specified communities through this proceeding.

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CMSU has been the licensee of noncommercial educational station KMOS-TV, Channel 6, Sedalia, Missouri since 1978. Currently, KMOS-TV broadcasts instructional programming to elementary and secondary schools within its service area from 9:00 a.m. to 2:30 p.m. (5 ½ hours) five days per week. One hundred and three (103) school districts, which include 51,000 students and 3,400 teachers, take advantage of CMSU's offerings. CMSU's faculty and the university's Office of Broadcasting Services, which operates KMOS-TV, transmit an additional six hours per day of for-credit video course materials to five area high schools through the use of interactive telephone lines.

Pursuant to an authorization given by the Missouri General Assembly in Section 173.030(7) of the Revised Statutes of Missouri (Missouri Senate Bill 340, 1995), on October 10, 1995, the Missouri Coordinating Board for Higher Education (CBHE) approved CMSU's plan to enhance its telecommunications network and public television facilities to deliver instruction to schools. As developed by CMSU, the plan calls for the establishment of new educational television stations in some or all of the communities listed above. The new stations will carry KMOS-TV's existing instructional schedule and, through the use of digital microwave return links, will integrate six or more hours per day of interactive for-credit courses into the network.

Attached hereto is a statement by CMSU's consulting engineer which shows how CMSU's use of the existing NTSC channels will provide service to ETV "white" areas in wide geographic areas within the state of Missouri. The study also shows how preservation of the existing NTSC channels will not unduly disrupt the proposed DTV table of allotments. In situations where displacement will occur, the engineering statement shows that alternative DTV and/or NTSC channels are available. Finally, the engineering statement shows that there is sufficient spectrum

available to accommodate the assignment of a DTV channel to each of the Missouri communities CMSU seeks to serve.

In its Sixth Further Notice the Commission announced its plan to abandon its previous approach of maintaining existing vacant noncommercial NTSC allotments and attempting to provide comparable DTV channels for each such allotment. The Commission now plans to eliminate all vacant NTSC allotments, including noncommercial ones. The rationale given for this policy change is that the unused allotments so reduce the amount of spectrum available for DTV assignments that it would not be possible to accommodate all existing broadcasters with a DTV channel. The Commission also believes unused NTSC allotments may needlessly reduce the expected service areas of future DTV stations. However, as shown in CMSU's engineering statement, no such compromises of the DTV allotment scheme would be caused by the retention of existing noncommercial NTSC allotments in the mostly rural Missouri areas where CMSU plans to establish new stations. Nor would the allotment of new DTV channels to the subject communities adversely impact on the DTV allotment scheme in Missouri and surrounding states. Moreover, in developing DTV, the Commission has long recognized, "... the important role noncommercial stations play in providing educational and other quality programming and the financial constraints they face." See Sixth Further Notice at paragraph 59, citing Second Report and Order/Further Notice of Proposed Rule Making, 7 FCC Rcd 3340, paras. 36-37 (1990), and Fifth Further Notice of Proposed Rule Making and Third Notice of Inquiry, 10 FCC Rcd 10541, paras. 73-76 (1995).

The Commission should continue giving noncommercial broadcasting special consideration in the transition to DTV. CMSU's efforts to develop a statewide ETV network, which will make instructional programming available throughout Missouri pursuant to legislative mandate, is

dependent upon the development of new stations on existing NTSC channels. Waiting for full implementation of DTV in Missouri will delay establishment of CMSU's statewide instructional ETV network for as much as a decade. Further, preserving the existing NTSC allotments CMSU needs will allow the new network to establish itself financially, thereby facilitating the transition to DTV. Indeed, it may be difficult or impossible financially to initiate the planned statewide system as a more expensive DTV start-up facility. CMSU's mandate and financing are effective now, but may not be in five to ten years when DTV service becomes universal.

In sum, neither the retention of the existing NTSC allotments CMSU needs to implement its statewide plan nor the allotment of DTV-dedicated channels to the specified communities will adversely impact the proposed DTV allocation scheme. For these reasons the Commission should consider retention of existing ETV allotments in Missouri (and elsewhere) on a case-by-case basis and allot DTV channels where, as here, legitimate expressions of interest are registered.

Respectfully submitted,

CENTRAL MISSOURI STATE UNIVERSITY

By: _____


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November 22, 1996

FROM BROADCAST CAUCUS'S
"OTHER AVAILABLE CHANNELS LIST"
PROVIDED BY MST STAFF,
OCTOBER 9, 1996

ENGINEERING STATEMENT

The following engineering statement and attached exhibit have been prepared for Central Missouri State University ("CMSU"), licensee of non-commercial television station KMOS-TV at Sedalia, Missouri and are in support of their comments concerning the Sixth Further Notice of Proposed Rulemaking in MM Docket No. 87-268.

CMSU requests the Commission to retain the following NTSC non-commercial educational television channels in the television Table of Allotments pending transition to DTV:

<u>City</u>	<u>Channel</u>
Cape Girardeau, MO.	39
Columbia, MO.	23
or	
Jefferson City, MO.	36
Poplar Bluff, MO.	26
Rolla, MO.	28

CMSU plans to file applications for these NTSC facilities, with appropriate freeze waiver requests. The new stations will be used in the development of a statewide network devoted to instructional programming.

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An exhibit is attached which shows the approximate coverage by existing NCE television stations within Missouri. In addition, approximate coverage areas for the proposed additional stations are shown. It is apparent that there is a significant amount of "white" area in the State of Missouri with regard to the public television stations. Pursuant to CMSU's state-approved plan, CMSU would eliminate the majority of this white area bringing public television and instructional programming to the entire state making use of existing facilities and the proposed new stations.

The project would be damaged significantly if some of the vacant non-commercial allocations were eliminated from the Table of Assignments. The Commission directly requested comments about such allotments in Paragraph 58 and 59 of the Sixth Further Notice of Proposed Rulemaking. It is apparent that the Commission does not intend to limit the development of non-commercial television. Therefore, CMSU requests that the Commission retain several of the vacant non-commercial channels and in addition, allot those non-commercial channels new DTV channels.

With respect to the needed allotments at LaPlata

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(ch. 21), Columbia (ch. 23), Jefferson City (ch. 36), Poplar Bluff (ch. 26), Cape Girardeau (ch. 39) and Rolla (ch. 28), some of these channels are proposed for use in other locations as DTV allotments. CMSU requests that the Commission reconsider the use of those channels for DTV and keep them available for NTSC use on a non-commercial basis pending the transition to DTV. CMSU plans to file for up to four of these channels and to construct new NTSC stations on them in the near future.

With regard to the LaPlata allocation, channel 21 has been proposed for use as a DTV allotment in Kansas City, St. Louis and Davenport, Iowa. To determine other possibilities for LaPlata, a frequency search has been completed of the television band which revealed that several other channels exist which could be used for either NTSC or DTV. The initial and preferable alternative would be to allow channel 21 to remain at LaPlata and to provide it with a different DTV allotment. As an alternative, the allocation at LaPlata could be changed to channel 56 with a DTV allotment on channel 58 while meeting all separation criteria to other existing or proposed stations including all DTV assignments proposed in the Sixth Further Notice of Proposed

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Rulemaking. In making the determination that those channels were available, the spacings contained in Paragraph 98 of the Sixth Further Notice of Proposed Rulemaking were utilized.

The second channel of concern is channel 23 at Columbia, Missouri. Channel 23 has been proposed for DTV use at Macomb, Illinois. However, channel 23 would still be available for use in Columbia at a transmitter site located two kilometers Southwest of the existing location. Such a site would be quite acceptable to CMSU and it is requested that such a change be made in that allocation and that channel 23 be allowed to remain at Columbia with the addition of a new DTV allotment. As an alternative, channel 36 at Jefferson City could be retained as a non-commercial NTSC allotment with a DTV allotment assigned. The Commission's database does not show any applicant for either channel 23 at Columbia or channel 36 at Jefferson City at this time. Certainly, the Jefferson City allocation could be allowed to remain as a non-commercial allotment without interfering with the Commission's proposed DTV Table of Allotments in any way.

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In a like manner, channel 39 at Cape Girardeau, Missouri does not have any applications on file nor is any use proposed of channel 39 within the co-channel spacing from Cape Girardeau. Therefore, that channel could be allowed to remain at Cape Girardeau without interfering with the proposed DTV allotments. It would only be necessary to find an additional DTV channel to Cape Girardeau to be matched with channel 39.

Channel 28 at Rolla, Missouri has been proposed for use as the DTV allotment for channel 8 at Columbia, Missouri. The Commission is referred to the Broadcast Caucus's October 9, 1996 list of other available DTV channels in the United States, which has been widely circulated among television stations and informally provided to the FCC's staff. A copy of the Missouri portion of the list is attached. The Caucus's list clearly demonstrates multiple channels are available which could be utilized by channel 8. In fact, there are thirty-four such channels below channel 60 that could be paired with channel 8 for use at Columbia. Therefore, it is requested that an alternative channel be allotted to Columbia allowing channel 28 to remain available for use in Rolla.

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The final community of concern is Poplar Bluff, Missouri. Poplar Bluff currently has an allocation of channel 26. Channel 26 is proposed for use by channel 9 in St. Louis and channel 17 in Newport, Arkansas. The Broadcast Caucus shows twenty-eight such channels as available in St. Louis, with seventeen of those channels being UHF channels below channel 60. Therefore, it is apparent that numerous alternate channels exist which could be used by channel 9 in St. Louis allowing channel 26 to remain at Poplar Bluff.

It is requested that as many of the existing NTSC channels as possible be retained as non-commercial channels. Where the channels currently assigned to the communities must be deleted because of the necessity of using those channels as DTV allotments, it is requested that new NTSC allocations be made for those communities with associated DTV allotments.

CMSU proposes to build facilities as soon as possible at these communities. It should be noted that a station will be built at either Columbia or Jefferson City but not at both as those two cities are close enough together to be very adequately served by one station.

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CMSU intends to construct NTSC facilities to operate as long as the dual operation period is allowed and to construct the DTV facilities as soon as the Commission permits.

It should be realized that this is a program that CMSU has been involved in developing for a significant period of time. They have now reached a point in the development of this program over the entire State of Missouri. Such implementation will require the construction of these facilities together with an inter-connecting system, the majority of which will probably utilize microwave facilities. The channels needed can clearly be provided for use without significant negative impact on the DTV allotment process. As previously stated, CMSU does not object to one or more of the channels being changed to a different channel if such change would assist the Commission in the DTV allotment process. However, CMSU urges the Commission to provide the allocations needed to allow the continued expansion and growth of a state-of-the-art interactive instructional system for the students in all of the schools in the State of Missouri.

D.L. Markley & Associates, Inc.

Consulting Engineers

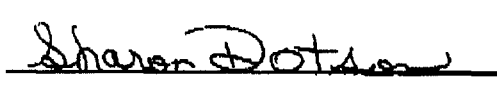
- 8 -

The preceding statement and attached exhibit
have been prepared by me or under my direction and
are true and correct to the best of my knowledge and
belief.



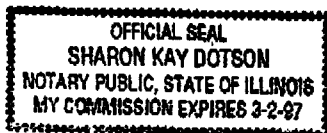
Donald L. Markley, P.E.

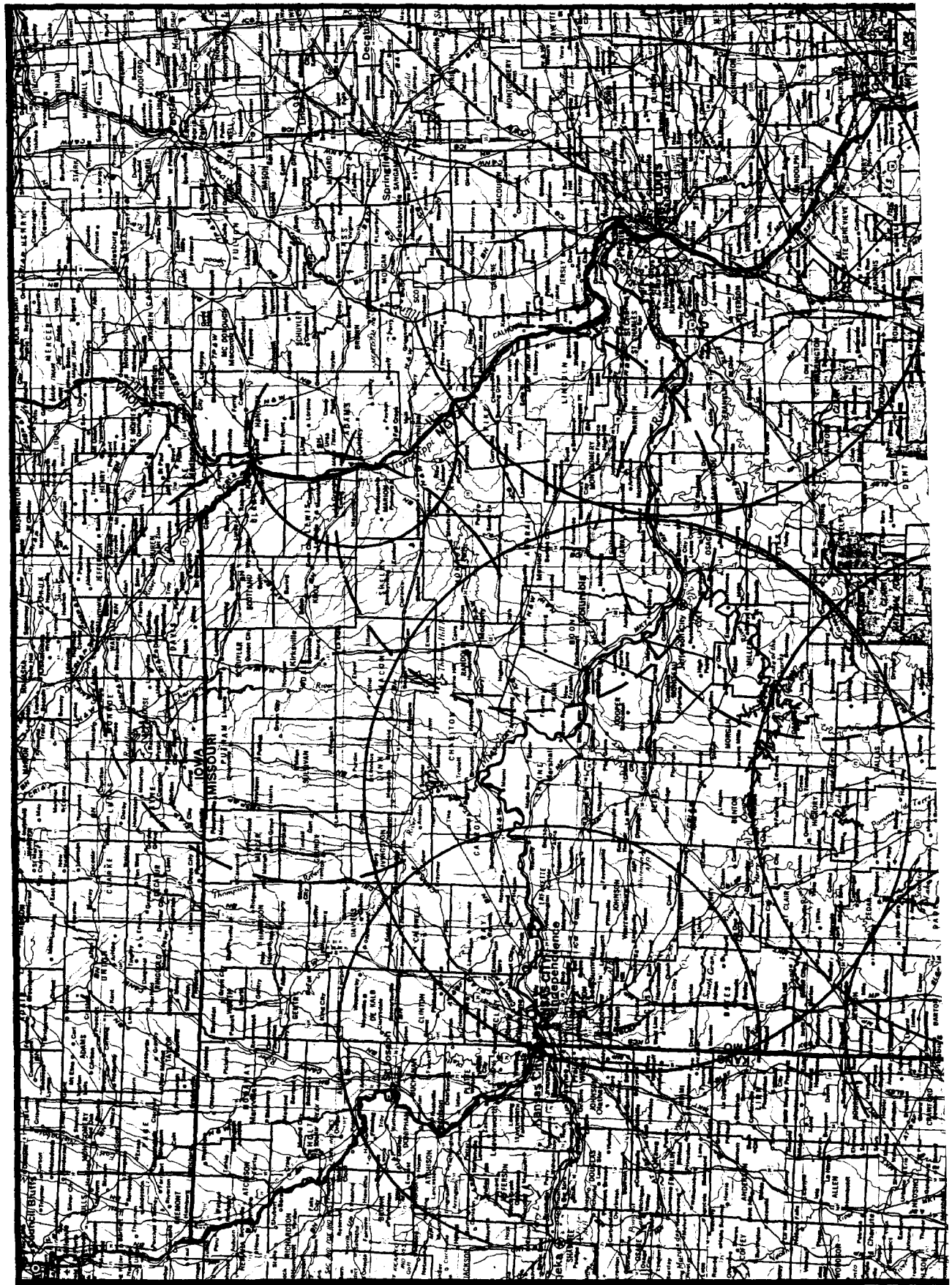
Subscribed and sworn to before me this 22 Day of November, 1996.

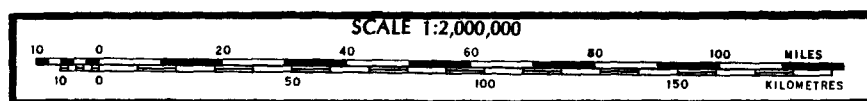
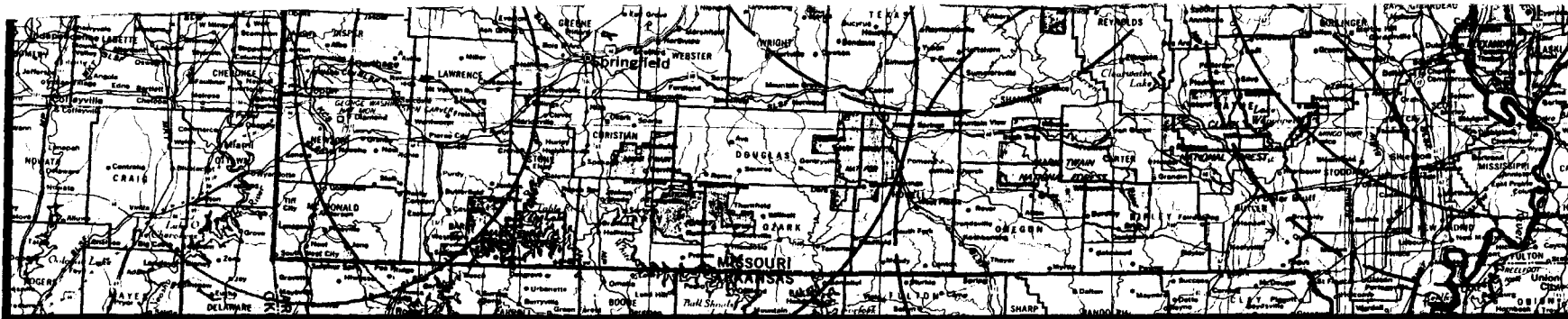


Notary Public

My commission expires:







EXISTING: _____

PROPOSED: _____

EXISTING AND PROPOSED SERVICE CONTOURS

**PUBLIC TELEVISION COVERAGE IN THE
STATE OF MISSOURI INCLUDING STATIONS
IN ADJOINING STATES.**

**Central Missouri State University
Warrensburg, Missouri
November, 1996**

FROM BROADCAST CAUCUS'S
"OTHER AVAILABLE CHANNELS LIST"
PROVIDED BY MST STAFF,
OCTOBER 9, 1996

Station at: MN ROCHESTER Existing channel 47 ATV channel 46

7 12 40 41 42 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MN ST. CLOUD Existing channel 41 ATV channel 40

13 14 15 19 36 47 48 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MN ST. PAUL Existing channel 2 ATV channel 38

7 8 13 16 19 21 24 36 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
68 69

Station at: MN ST. PAUL Existing channel 5 ATV channel 26

6 7 12 13 19 25 35 36 43 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
68 69

Station at: MN ST. PAUL Existing channel 17 ATV channel 33

7 8 13 16 19 21 24 36 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
68 69

Station at: MN THIEF RIVER FALLS Existing channel 10 ATV channel 59

3 5 7 14 16 17 22 23 25 27 28 30 31 32 33 35 36 40 42 43 44 45 46 48 49
50 51 52 54 55 57 60 61 62 63 64 65 66 67 68 69

Station at: MN WALKER Existing channel 12 ATV channel 35

2 3 4 5 6 8 10 11 14 16 17 24 26 27 29 30 31 32 33 34 38 39 40 41 43
44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68
69

Station at: MN WORTHINGTON Existing channel 20 ATV channel 19

3 6 7 21 27 32 33 34 38 40 41 45 47 49 50 51 52 53 54 56 57 58 59 60 61
62 63 64 65 66 67 68 69

Station at: MO CAPE GIRARDEAU Existing channel 12 ATV channel 32

10 19 20 25 31 33 36 38 40 45 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO CAPE GIRARDEAU Existing channel 23 ATV channel 22

7 10 19 20 25 36 38 40 45 53 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO COLUMBIA Existing channel 8 ATV channel 28

2 3 4 5 9 14 15 22 23 30 31 33 34 35 36 39 40 41 42 43 44 46 47 48 49
50 51 52 53 54 55 56 57 58 60 61 62 63 64 65 66 67 68 69

Station at: MO COLUMBIA Existing channel 17 ATV channel 18

2 3 4 10 14 15 16 22 23 30 31 32 33 34 35 36 38 39 40 41 42 43 47 48 49
50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO HANNIBAL Existing channel 7 ATV channel 29

2 4 5 6 17 18 19 20 24 25 30 34 35 36 40 41 42 44 45 46 47 48 49 50 52
53 54 55 56 57 58 60 61 62 63 64 65 66 67 68 69

Station at: MO JEFFERSON CITY Existing channel 13 ATV channel 12
3 4 11 15 22 23 31 33 34 35 36 38 40 42 43 44 48 49 50 51 52 53 54 55 56
57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO JEFFERSON CITY Existing channel 25 ATV channel 20
3 4 15 22 23 31 33 34 35 36 38 40 42 43 44 48 49 50 51 52 53 54 55 56 57
58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO JOPLIN Existing channel 12 ATV channel 54
2 4 5 6 9 11 24 32 38 40 45 46 47 48 50 55 56 58 59 60 61 63 64 65 66
67 68 69

Station at: MO JOPLIN Existing channel 16 ATV channel 14
4 5 9 15 32 40 45 46 58 59 60 61 63 64 65 66 67 68 69

Station at: MO JOPLIN Existing channel 26 ATV channel 25
2 4 5 6 9 11 24 32 38 40 45 46 47 48 50 55 56 58 59 60 61 63 64 65 66
67 68 69

Station at: MO KANSAS CITY Existing channel 4 ATV channel 29
7 12 36 43 44 52 53 54 58 59 60 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 5 ATV channel 46
7 12 36 44 47 52 53 54 58 59 60 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 9 ATV channel 24
7 8 10 12 36 44 52 53 54 58 59 60 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 19 ATV channel 26
7 12 18 35 36 44 52 53 54 55 57 58 59 60 61 63 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 32 ATV channel 31
7 12 15 17 36 44 52 53 54 55 57 58 59 60 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 41 ATV channel 42
7 12 36 43 44 52 53 54 58 59 60 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 50 ATV channel 21
7 12 36 44 51 52 53 54 55 57 58 59 60 64 65 66 67 68 69

Station at: MO KANSAS CITY Existing channel 62 ATV channel 34
7 12 18 35 36 44 52 53 54 55 57 58 59 60 61 63 64 65 66 67 68 69

Station at: MO KIRKSVILLE Existing channel 3 ATV channel 51
2 4 5 6 8 9 11 12 14 17 18 19 20 21 23 24 25 28 30 33 34 35 36 39 40

41 42 44 45 46 47 48 49 50 52 53 54 55 56 57 58 60 61 62 63 64 65 66 67 68
69

Station at: MO POPLAR BLUFF Existing channel 15 ATV channel 39
2 3 4 5 7 10 11 13 14 16 18 21 24 25 28 29 30 31 33 34 35 36 38 40 41
42 43 44 45 47 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO SEDALIA Existing channel 6 ATV channel 45
2 3 7 10 11 14 15 22 23 27 30 33 35 36 38 39 40 43 44 47 48 49 51 52 53
54 55 56 57 58 59 60 61 63 64 65 66 67 68 69

Station at: MO SPRINGFIELD Existing channel 3 ATV channel 44
2 4 5 6 7 8 13 15 17 29 30 35 36 41 42 45 46 47 48 49 50 53 55 56 57
58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO SPRINGFIELD Existing channel 10 ATV channel 23
5 6 7 8 9 11 13 15 17 18 24 29 30 32 35 36 41 42 46 47 48 49 50 53 55
56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO SPRINGFIELD Existing channel 21 ATV channel 22
5 6 7 8 9 11 13 15 17 18 24 29 30 32 35 36 41 42 46 47 48 49 50 53 55
56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO SPRINGFIELD Existing channel 27 ATV channel 39
5 6 7 8 13 15 17 28 29 30 35 36 38 40 41 42 46 47 48 49 50 53 55 56 57
58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO SPRINGFIELD Existing channel 33 ATV channel 19
5 6 7 8 9 11 13 15 17 18 24 29 30 32 35 36 41 42 46 47 48 49 50 53 55
56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MO ST. JOSEPH Existing channel 2 ATV channel 56
7 12 18 20 33 35 36 44 51 52 53 54 55 57 58 59 60 61 63 64 65 66 67 68 69

Station at: MO ST. JOSEPH Existing channel 16 ATV channel 14
7 12 15 17 36 44 52 53 54 58 59 60 64 65 66 67 68 69

Station at: MO ST. LOUIS Existing channel 2 ATV channel 41
7 16 17 19 28 42 43 44 49 50 51 52 53 55 56 57 58 59 60 61 62 63 64 65 66
67 68 69

Station at: MO ST. LOUIS Existing channel 4 ATV channel 34
7 16 17 19 28 33 36 43 44 49 50 51 52 53 55 56 57 58 59 60 61 62 63 64 65
66 67 68 69

Station at: MO ST. LOUIS Existing channel 5 ATV channel 21
6 7 16 17 19 28 43 44 51 52 53 55 56 57 58 59 60 61 62 63 64 65 66 67 68
69

Station at: MO ST. LOUIS Existing channel 9 ATV channel 26
7 16 17 19 27 28 43 44 49 50 51 52 53 55 56 57 58 59 60 61 62 63 64 65 66
67 68 69

Station at: MO ST. LOUIS Existing channel 11 ATV channel 35
7 16 17 19 28 33 36 43 44 49 50 51 52 53 55 56 57 58 59 60 61 62 63 64 65
66 67 68 69

Station at: MO ST. LOUIS Existing channel 24 ATV channel 14
7 15 16 17 19 28 43 44 49 50 51 52 53 55 56 57 58 59 60 61 62 63 64 65 66
67 68 69

Station at: MO ST. LOUIS Existing channel 30 ATV channel 39
7 16 17 19 28 29 31 38 43 44 51 52 53 55 56 57 58 59 60 61 62 63 64 65 66
67 68 69

Station at: MS BILOXI Existing channel 13 ATV channel 28
2 16 27 29 34 36 40 47 52 53 59 60 61 62 63 64 65 66 67 68 69

Station at: MS BILOXI Existing channel 19 ATV channel 18
2 16 34 36 40 47 52 53 59 60 61 62 63 64 65 66 67 68 69

Station at: MS BOONEVILLE Existing channel 12 ATV channel 32
6 17 19 35 42 44 46 47 48 51 52 53 54 55 57 58 60 61 62 63 64 65 66 67 68
69

Station at: MS BUDE Existing channel 17 ATV channel 53
4 5 6 10 14 15 18 21 24 25 28 30 31 39 46 50 55 56 57 58 59 60 61 62 63
64 65 66 67 68 69

Station at: MS COLUMBUS Existing channel 4 ATV channel 56
5 6 11 13 14 16 19 21 24 29 30 31 34 35 38 40 41 42 43 47 51 52 53 54 55
57 61 62 63 64 65 66 67 68 69

Station at: MS GREENVILLE Existing channel 15 ATV channel 17
3 4 7 10 11 12 13 14 16 19 20 21 26 28 29 30 31 32 33 34 35 36 38 39 40
41 42 46 47 48 53 54 55 56 57 58 60 61 62 63 64 65 66 67 68 69

Station at: MS GREENVILLE Existing channel 44 ATV channel 0
2 4 7 8 9 11 13 19 20 21 27 30 31 33 34 35 39 42 43 45 46 47 48 49 53
54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Station at: MS GREENWOOD Existing channel 6 ATV channel 51
4 5 7 10 11 13 19 20 21 22 28 30 31 33 34 35 39 42 46 47 48 50 52 53 54
55 56 57 58 60 61 62 63 64 65 66 67 68 69